

REMARKS

At the time the current Official Action was mailed, the Examiner rejected claims 1-20. Reconsideration of the application in view of the remarks set forth below is respectfully requested. Prior to the Response, claims 1-20 were pending in the Application. In this Response, no claims are being cancelled or added. Claims 10 and 13 are presently amended to correct minor clerical errors. Accordingly, claims 1-20 remain pending in the application.

In the Official Action, the Examiner objected to claim 10 because of a typographical error. The Examiner rejected claims 1, 13, 14, 17, and 18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner rejected claim 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In addition, the Examiner rejected claims 1-4 and 6-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,415,318 to Aggarwal et al. ("the Aggarwal reference"). Further, the Examiner rejected claim 5 under 35 U.S.C. § 103 (a) as being unpatentable over the Aggarwal reference in view of Chang Liu, *Platform-Independent and Tool-Neutral Test Descriptions for Automated Software Testing*, 2000, ACM, pages 713-715 (hereinafter "the Liu reference"). Each of these objections and rejections are addressed in detail below.

Objection to Claim 10

In the Official Action, the Examiner objected to claim 10. Specifically, the Examiner stated the following:

Claim 10 is objected to because of the following informalities: In line 3, “sercie” will be taken as ~~–service–~~. Appropriate correction is required.

Office Action, page 2.

The Applicant thanks the Examiner for pointing out this clerical error. Claim 10 is presently amended to correct the typographical mistake. In view of this amendment, the Applicant requests that the Examiner withdraw the objection to claim 10.

Rejection Under 35 U.S.C. § 112, First Paragraph

In the Official Action, the Examiner rejected claims 1, 13, 14, 17, and 18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated the following:

Claims 1, 13, 14, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitations: “*without registering the first agent*” in claim 1, line 5-6; “*without having the first agent registered with the second domain service bus*” in claim 13, line 6-7; “*no other send-message service*” in claim 17, lines 1-2; and “*without registering agents in the first group*” in claim 18, line 8 are not described in the specification to enable one skilled in the art that the inventor(s) had possession of the claimed invention.

Also, in claims 1, 14, 17, and 18, the limitations: “*without registering the first agent*” in claim 1, line 5-6; “*without registering agents in the first group*” in claim 18, line 8; “*without having the first agent registered with the second domain service bus*” in claim 13, line 6-7; “*no other send-message service*” in claim 17, lines 1-2; and “*does not require a centralized coordinator*” in claim 14, lines 3-4 are negative limitations. These claims fail to comply with the written description requirement. Regarding negative limitations, the MPEP states:

2173.05(i) Negative Limitations

“..."

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims...The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation, which does not have basis in the original disclosure, should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. ..."

Office Action, pages 2-3.

Regarding the written description requirement, the initial burden of proof regarding the sufficiency of the written description falls on the Examiner. Accordingly, the Examiner must present evidence or reasons why persons skilled in the art would not recognize a description of the claimed subject matter in the Applicant's disclosure. *In re Wertheim*, 541 F.2d 257, 262, 191 U.S.P.Q. 90, 96 (CCPA 1976). The Examiner is reminded that the written description requirement does not require the claims to recite the same terminology used in the disclosure. Indeed, the Examiner is also reminded that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 U.S.P.Q.2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). Moreover, any information contained in any part of the application as filed, including the specification, claims and drawings, may be added to other portions of the application without introducing new matter. Accordingly, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the Applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 U.S.P.Q. 683 (Fed. Cir. 1985).

The Applicant respectfully asserts that all of the features recited in claims 1, 13, 14, 17, and 18 are described in the present application. Specifically, the Applicant asserts that all of the negative limitations the Examiner identified as lacking descriptive support are actually present in various portions of the application. *See e.g.*, Application, page 6, lines 16-27; page 9, lines 22-26; page 10, lines 3-10; page 11, lines 8-18; page 12, lines 1-7; and Fig. 1. For example, a portion of supporting text follows:

One aspect of the inter-enterprise agent communication and service invocation mechanism of the present invention is that each agent domain (e.g., enterprise) *only* registers the messaging service of the domain coordinator with the service bus.

Application, page 9, lines 21-24 (emphasis added).

This exemplary text supports the recitation of claim 17 that “no other send-message service need be registered with the second domain service bus to enable agents external to the first domain to communicate with every agent in the first domain.”

In view of the exemplary descriptive text of the present application, as indicated above, the Applicant stresses that the Examiner’s mere assertion that certain features “are not described in the specification” is insufficient to establish a *prima facie* case of lack of descriptive support. Accordingly, the Applicant requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph and provide an indication of allowance for claims 1, 13, 14, 17, and 18.

Rejection Under 35 U.S.C. § 112, Second Paragraph

In the Official Action, the Examiner rejected claim 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which the applicant regards as the invention. Specifically, the Examiner stated the following:

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “*diversity problem*” in claim 15 is a relative term, which renders the claim indefinite. The term “diversity problem” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim is indefinite because it is not known how the system addresses an interface diversity problem.

Office Action, page 4.

The Applicant respectfully asserts that the term “diversity problem” as recited in claim 15, is clearly defined in the specification. Specifically, the application includes the following text regarding the term:

The interface diversity problem is the burden of (1) requiring every agent to register a messaging service in order to receive messages and (2) requiring every agent to maintain multiple client side messaging service interface stubs for all the agents it may need to have a contact with.

Application, page 4, lines 21-24.

In view of the clear support for the term “diversity problem”, the Applicant respectfully asserts that one of ordinary skill in the art would be reasonably apprised of the scope of the term “diversity problem.” Accordingly, Applicant asserts that claim 15 is not indefinite. Further, the Applicant requests that the Examiner withdraw the rejection of claim 15 under 35 U.S.C. § 112 and provide an indication of allowance.

Rejection Under 35 U.S.C. § 102

In the Official Action, the Examiner rejected claims 1-4 and 6-20 under 35 U.S.C. § 102(e) as being anticipated by the Aggarwal reference. Specifically, with respect to the independent claims, the Examiner stated the following:

As per claim 1, Aggarwal et al teach a method for enabling communication between a first agent in a first domain (**Figures 2-3, organization A**) and a second agent in a second domain (**Figures 2-3, organization B**), the first domain having a first domain coordinator (**messaging server**) and a first domain service bus (**Figures 2-3, bridgehead server**) and the second domain having a second domain coordinator (**Figures 2-3, messaging server**) and a second domain service bus (**Figures 2-3, bridgehead server**) the method comprising: a) registering the first domain coordinator with the second domain service bus without registering the first agent (**column 2, lines 23-45, Figure 2-5, and column 7, lines 28-62; messaging server**); and b) providing communication between the second agent and the first agent via the second domain service bus, the first domain service bus and the first domain coordinator (**Figures 3-4, and column 8, line 19-column 9, line 59; client A sends a message to client B via bridgehead server A, bridgehead server B, and messaging server B**).

...

As per claim 13, Aggarwal teach a system for enabling communication between agents in different domains comprising: a) a first domain service bus in a first domain and a second domain service bus in a second domain for providing infrastructure services (**Figures 2-3 and column 2, lines 24-66**); b) a first domain coordinator in the first domain having a send-message service that is registered with the second domain service bus without having the first agent registered with the second domain service bus (**column 2, lines 23-45, Figure 2-5, and column 7, lines 28-62; messaging server**);

c) a first agent in the first domain and a second agent in the second domain, wherein the second agent sends a message directed to the first agent by employing the send-message service of the first domain coordinator (**Figures 2-3, column 3, lines 4-37 and column 7, lines 6-27**), wherein the first domain coordinator provides a point-of-presence gateway for receiving messages directed to the first agent and forwarding the message to the intended the first agent (**Figure 3, column 8, line 19-**

column 9, line 59, column 2, lines 23-45 and lines 54-66; messaging server transmits message to client).

...

As per claim 18, Aggarwal et al teach a method for enabling inter-enterprise agent communication comprising the steps of: a) grouping agents into a first group in a first domain having a first domain service bus and grouping agents into a second group in a second domain having a second domain service bus (**Figures 2-5**); b) assigning a coordinator to the agents in the first group (**column 2, lines 23-45, Figure 2-5, and column 7, lines 28-62; messaging server**); c) registering a send-message service of the coordinator with the second domain service bus without registering agents in the first group (**column 2, lines 23-45, Figure 2-5, and column 7, lines 28-62; messaging server**); d) the coordinator receiving messages from the second domain; wherein the messages are directed to a one of the agents in the first group (**column 2, lines 23-45, Figure 2-5, and column 7, lines 28-62; messaging server**); and e) the coordinator forwarding the messages to an intended recipient agent; wherein the second domain service bus provides inter-enterprise communication services between the first domain and the second domain (**Figure 3, column 8, line 19-column 9, line 59, column 2, lines 23-45 and lines 54-66; messaging server transmits message to client**).

Office Action, pages 4-9.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every feature or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one feature not found in the cited reference, the reference does not anticipate the claimed invention.

Independent claim 1 recites, *inter alia*, “registering the first domain coordinator with the second domain service bus *without registering the first agent*.” (Emphasis added). Independent claim 13 recites, *inter alia*, “a send-message service that is registered with the second domain service bus *without having the first agent registered with the second domain service bus*.” (Emphasis added). Independent claim 18 recites, *inter alia*, “registering a send-message service of the coordinator with the second domain service bus *without registering agents in the first group*.” (Emphasis added). The Applicant asserts that the Aggarwal fails to disclose these recited features. Indeed, the portion of the Aggarwal reference cited by the Examiner with regard to these features merely appears to teach that it is possible to have a client that registers directly to the bridgehead server thus foregoing an intermediate messaging server. *See Aggarwal et al.*, col. 7, lines 29-52. Accordingly, Aggarwal does not teach, suggest or illustrate the quoted features of independent claims 1, 13, and 18.

For at least these reasons, the Applicant asserts that the Examiner’s rejection under 35 U.S.C. § 102 is improper. The Applicant therefore requests that the Examiner withdraw the rejection of independent claims 1, 13, and 18 and the claims depending therefrom. Further, the Applicant requests that the Examiner provide an indication of allowance.

Rejection under 35 U.S.C. § 103

In the Official Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being obvious over the Aggarwal reference in view of the Liu reference. The Applicant respectfully traverses this rejection because the cited references fail to teach or suggest all of the features recited in dependent claim 5.

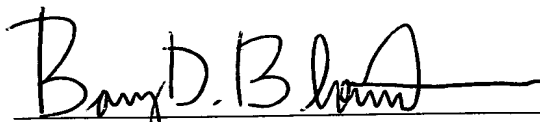
Claim 5 depends from independent claim 1. In the rejection under Section 103, the Examiner relied on the Liu reference for its alleged teaching of a method wherein the service bus is an E-speak service bus, as recited in the dependent claim 5. However, the Liu reference does not obviate the deficiencies of the Aggarwal reference discussed above with respect to the rejection under 35 U.S.C. § 102. In view of the deficiencies discussed above with reference to independent claim 1 and based on unique features recited in claim 5, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103 of dependent claim 5. Further, the Applicant requests an indication of allowance of dependent claim 5.

Conclusion

In view of the remarks set forth above, the Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: August 16, 2005


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